THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO.568 of 2006

-

-

6th January 2006

Between:

Narayana Goud, S/o. Galaiah Goud,
R/o. Chilver Village, Midjil Mandal, Mahaboobnagar District.

...PETITIONER

AND

The Deputy Commissioner of Prohibition & Excise, Mahabubnagar.

...RESPONDENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO.568 of 2006

ORDER:

The petitioner submits that he is the owner of the tractor bearing No.AP 22 E 2876 and trailor No.AP 22 E 2877 and the vehicle has been seized under Section 34 (a) of the A.P.Excise Act, 1968 in a crime in PCOR.No.229/2005-2006 of Prohibition and Excise Station, Jadcherla, Mahabubnagar District registered against Tudla Raghavender Goud, Tirmaldas Guruvaiah, Madla Mallesh and Goluga Shekhar as accused persons. There is no allegation in the panchanama attributing any knowledge to the petitioner with regard to the illegal transportation of toddy. The said vehicle is not liable for confiscation. However, the petitioner filed an application before the Deputy Commissioner of Prohibition & Excise, Mahabubnagar on 12.09.2005 for interim custody of the vehicle, which was considered by an order dated 16.12.2005 and while granting interim custody, a condition was imposed to the petitioner to submit FDR for a sum of Rs.80,000/- (Rupees eighty thousand only) obtained from any Nationalised Bank. It is stated that the petitioner has absolutely no grievance to fulfill the other conditions but he has grievance in respect of condition to submit FIR for Rs.80,000/- (Rupees eighty thousand only). It is

submitted that the petitioner owns land to an extent of Acs.7.05 gts in Chilwair Village, Midjil Mandal of Mahabubnagar District and he will pay the value of the vehicle ultimately if confiscation order is passed.

Having regard to the facts and circumstances of the case, the Writ Petition is disposed of with a modification of the condition to submit FDR for Rs.80,000/- (Rupees eighty thousand only) and directing the petitioner to submit FDR for a sum of Rs.10,000/- (Rupees ten thousand only) and file a personal bond that he will pay back the value of the vehicle in the event of confiscation orders passed. No costs.

_____

(V.ESWARAIAH, J)

6th January 2006

RRB